

LESLIE MARK STOVALL, ESQ.
Nevada Bar No. 2566
ROSS MOYNIHAN, ESQ.
Nevada Bar No. 11848
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2301 Palomino Lane
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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DEVRA HANEY-WILLIAMS,

Plaintiff,

v.

SAM’S WEST INC., dba SAM’S PHARMACY
#10-4974,

Defendants.

Case No.: 2:17-cv-02900-JCM-EJY

STIPULATION AND ORDER
EXTENDING TIME TO FILE RESPONSE
BRIEFS TO PENDING MOTIONS ECF
NOS. 136, 137, 138, 139

[SECOND REQUEST]

SAM’S WEST INC.,

Third-Party Plaintiff,

v.

JUBILANT CADISTA
PHARMACEUTICALS, INC., and DOES 1-10,
inclusive,

Third-Party Defendants.

Plaintiff DEVRA HANEY-WILLIAMS (hereinafter “Plaintiff”), Defendant/Third-Party Plaintiff SAM’S WEST, INC. (hereinafter “Sam’s West”), (collectively, “the Parties”), by and through their respective counsel of record, do hereby stipulate and jointly request that the court approve extensions of time for the parties to file responses with respect to the following motions currently pending before this Court:

- (1) Defendant Sam’s West, Inc.’s Motion For Summary Judgment On The First Amended Complaint Filed By Plaintiff Devra Haney-Williams [ECF No. 136] – Response due **December 3, 2021, Reply due December 17, 2021**

- (2) Defendant Sam's West, Inc.'s Motion to Exclude Plaintiff's Untimely Disclosure of Expert Christopher Milford M.D. Pursuant to FRCP 37(c)(1) [ECF No. 137] – Response due **December 3, 2021, Reply due December 17, 2021**
- (3) Plaintiff's Motion To Strike Defendant's Expert Neal L. Benowitz, M.D. [ECF No. 138]– Response due **December 3, 2021, Reply due December 17, 2021**
- (4) Plaintiff's Motion for Summary Judgment [ECF No. 139] – Response due **December 3, 2021, Reply due December 17, 2021**

The responses to the above motions have required extensive briefing regarding the facts of the case and the law applicable to the motions and the parties require additional time to complete the responses. The parties have agreed to an extension of time for the responses from December 3, 2021 to December 7, 2021, with the current reply date of December 17, 2021 to remain. The parties aver that this is the second stipulation for an extension of time with respect to these Motions, that the requested extension will not alter any date previously set by the Court in this matter, and this request is made in good faith and not for purposes of delay.

IT IS HEREBY STIPULATED AND AGREED as follows:

- (1) Plaintiff's Opposition to Sam's West's Motion for Summary Judgment [ECF No. 136] shall be due **December 7, 2021;**
- (2) Sam's West's Reply Brief in support of their Motion for Summary Judgment [ECF No. 136] shall be due **December 17, 2021;**
- (3) Plaintiff's Opposition to Sam's West's Motion to Exclude Plaintiff's Untimely Disclosure of Expert Christopher Milford M.D. Pursuant to FRCP 37(c)(1) [ECF No. 137] shall be due **December 7, 2021;**
- (4) Sam's West's Reply in Support of their Motion to Exclude Plaintiff's Untimely Disclosure of Expert Christopher Milford M.D. Pursuant to FRCP 37(c)(1) [ECF No. 137] shall be due **December 17, 2021;**
- (5) Sam's West's Opposition to Plaintiff's Motion To Strike Defendant's Expert Neal L. Benowitz, M.D. [ECF No. 138] shall be due **December 7, 2021;**

- (6) Plaintiff's Reply Brief in Support of Motion to Strike Defendant's Expert Neal L. Benowitz, M.D. [ECF No. 138] shall be due **December 17, 2021**;
- (7) Sam's West's Opposition to Plaintiff's Motion for Summary Judgment [ECF No. 139] shall be due **December 7, 2021**;
- (8) Plaintiff's Reply Brief in support of her Motion for Summary Judgment [ECF No. 139] shall be due **December 17, 2021**.

IT IS SO AGREED AND STIPULATED.

Dated: December 1, 2021
PHILLIPS, SPALLAS & ANGSTADT LLC

/s/ Alyce W. Foshee

ROBERT K. PHILLIPS
Nevada Bar No. 11441
ALYCE W. FOSHEE
Nevada Bar No. 14519
504 South Ninth Street
Las Vegas, Nevada 89101
*Attorneys for Defendant/Third-Party Plaintiff
Sam's West, Inc.*

Dated: December 1, 2021
STOVALL & ASSOCIATES

/s/ Ross Moynihan

LESLIE MARK STOVALL, ESQ.
Nevada Bar No. 2566
ROSS MOYNIHAN, ESQ.
Nevada Bar No. 11848
2301 Palomino Lane
Las Vegas, Nevada 89107
*Attorneys for Plaintiff
Devra Haney-Williams*

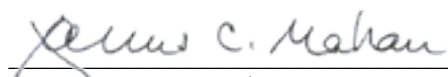
IT IS SO ORDERED.

Dated: December 1, 2021
MORRISON MAHONEY LLP

/s/ Arthur J. Liederman

ARTHUR J. LIEDERMAN, ESQ.
(admitted pro hac vice)
New York Bar No. 1184167
Wall Street Plaza
88 Pine Street, Suite 1900
New York, NY 10005
ADAM R. KNECHT, ESQ.
Nevada State Bar No. 13166
ALVERSON TAYLOR & SANDERS
6605 Grand Montecito Parkway, Suite 200
Las Vegas, Nevada 89149
*Attorneys for third-Party Defendant Jubilant
Cadista Pharmaceuticals, Inc.*

Dated December 3, 2021.



Hon. James C. Mahan
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 2nd day of December 2021, service of the foregoing
Stipulation and [Proposed] Order was made by electronic service through CM/ECF to:

Robert K. Phillips, Esq.
Alyce Foshee, Esq.
PHILLIPS SPALLAS & ANGSTADT, LLC
504 S. Ninth Street
Las Vegas, NV 89101
Attorneys for Defendant Sam's West, Inc.

Nicole M. Battisti, Esq.
MORRISON MAHONEY LLP
Wall Street Plaza
88 Pine Street, Suite 1900
New York, NY 10005
Adam Knecht, Esq.
Alverson Taylor & Sanders
6605 Grand Montecito Pkwy., Suite 200
Las Vegas, NV 89149
Attorneys for Jubilant Cadista Pharmaceuticals, Inc

/s/ Melina Gonzalez

An Employee of Stovall & Associates

LESLIE MARK STOVALL, ESQ.
Nevada Bar No. 2566
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Telephone: (702) 258-3034
E-service: court@lesstovall.com
Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DEVRA HANEY-WILLIAMS,

Plaintiff,

v.

SAM’S WEST INC., dba SAM’S PHARMACY
#10-4974,

Defendants.

Case No.: 2:17-cv-02900-JCM-EJY

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Third-Party Plaintiff,

v.

JUBILANT CADISTA
PHARMACEUTICALS, INC., and DOES 1-10,
inclusive,

Third-Party Defendants.

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- (8) Plaintiff's Reply Brief in support of her Motion for Summary Judgment [ECF No. 139] shall be due **December 17, 2021**.

IT IS SO AGREED AND STIPULATED.

Dated: December 1, 2021
PHILLIPS, SPALLAS & ANGSTADT LLC

/s/ Alyce W. Foshee

ROBERT K. PHILLIPS
Nevada Bar No. 11441
ALYCE W. FOSHEE
Nevada Bar No. 14519
504 South Ninth Street
Las Vegas, Nevada 89101

*Attorneys for Defendant/Third-Party Plaintiff
Sam's West, Inc.*

Dated: December 1, 2021
STOVALL & ASSOCIATES

/s/ Ross Moynihan

LESLIE MARK STOVALL, ESQ.
Nevada Bar No. 2566
ROSS MOYNIHAN, ESQ.
Nevada Bar No. 11848
2301 Palomino Lane
Las Vegas, Nevada 89107
*Attorneys for Plaintiff
Devra Haney-Williams*

Dated: December 1, 2021
MORRISON MAHONEY LLP

/s/ Arthur J. Liederman

ARTHUR J. LIEDERMAN, ESQ.
(admitted pro hac vice)
New York Bar No. 1184167
Wall Street Plaza
88 Pine Street, Suite 1900
New York, NY 10005

ADAM R. KNECHT, ESQ.
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ALVERSON TAYLOR & SANDERS
6605 Grand Montecito Parkway, Suite 200
Las Vegas, Nevada 89149

*Attorneys for third-Party Defendant Jubilant
Cadista Pharmaceuticals, Inc.*

Haney-Williams vs. Sam's West, Inc.
2:17-cv-02900-JCM-EJY
Stipulation and Order

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 1st day of December 2021, service of the foregoing
Stipulation and [Proposed] Order was made by electronic service through CM/ECF to:

Robert K. Phillips, Esq.
Alyce Foshee, Esq.
PHILLIPS SPALLAS & ANGSTADT, LLC
504 S. Ninth Street
Las Vegas, NV 89101
Attorneys for Defendant Sam's West, Inc.

Nicole M. Battisti, Esq.
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88 Pine Street, Suite 1900
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Alverson Taylor & Sanders
6605 Grand Montecito Pkwy., Suite 200
Las Vegas, NV 89149
Attorneys for Jubilant Cadista Pharmaceuticals, Inc

/s/ Melina Gonzalez

An Employee of Stovall & Associates

Melina Gonzales

From: Battisti, Nicole <NBattisti@morrisonmahoney.com> on behalf of Battisti, Nicole
Sent: Wednesday, December 1, 2021 3:02 PM
To: Ross Moynihan
Cc: Alyce Foshee
Subject: Re: Haney-Williams SAO to extend time to file response

Good here. Thanks.

Nicole M. Battisti
Partner

MORRISON MAHONEY LLP
Wall Street Plaza
88 Pine Street, Suite 1900, New York, NY 10005
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Connecticut | Massachusetts | New Hampshire | New Jersey | New York | Rhode Island | United Kingdom

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On Dec 1, 2021, at 5:46 PM, Ross Moynihan <ross@lesstovall.com> wrote:

****External Email****

Thank you.

Nicole, please respond.

From: Alyce Foshee <afoshee@psalaw.net>
Sent: Wednesday, December 1, 2021 1:43 PM
To: Ross Moynihan <ross@lesstovall.com>
Cc: Battisti, Nicole <NBattisti@morrisonmahoney.com>
Subject: RE: Haney-Williams SAO to extend time to file response

Ross, you my affix my signature.

Thanks,

Alyce Foshee

Partner

San Francisco | Las Vegas | Los Angeles | Napa Valley

560 Mission Street, Suite 1010
San Francisco, CA 94105

t 415-278-9400

f 415-278-9411

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From: Ross Moynihan <ross@lesstovall.com>

Sent: Wednesday, December 1, 2021 1:34 PM

To: Alyce Foshee <afoshee@psalaw.net>; Ross@lesstovall.com

Cc: Battisti, Nicole <NBattisti@morrisonmahoney.com>

Subject: FW: Haney-Williams SAO to extend time to file response

CAUTION: This Sender is Outside the PSA Organization! DO NOT click links or open attachments unless you recognize the sender and know the content is safe!

Alyce,

Please find attached a draft stipulation and order to extend our opposition due dates to 12/7. Please review and advise if I may affix your esignature.

Nicole,

At my request, Alyce and I agreed to extend the opposition due dates on our respective motions to 12/7. It does not affect your motion but I have included you on the stipulation as you are a party. Please advise if I have approval to affix Arthur's esignature to the stipulation.

Thanks,

Ross Moynihan

From: Melina Gonzales <melina@lesstovall.com>

Sent: Wednesday, December 1, 2021 1:27 PM

To: Ross Moynihan <ross@lesstovall.com>

Subject: Haney-Williams SAO to extend time to file response

Melina Gonzalez
Legal Assistant
Stovall & Associates